

Notice of Allowability

Application No.

10/602,873

Examiner

Louis K. Huynh

Applicant(s)

ROTH, J. EDWARD

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendments filed 3/31/05 and 4/11/05.
2. ☒ The allowed claim(s) is/are 1-6, 8-15, 17, 22-24, 28 and 29.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 04132005.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/11/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

1. In view of the Supplemental Amendment, filed 04/11/2005, which would place the application in condition for allowance, the Amendment After Final Rejection, filed 03/31/2005, is entered with the Supplemental Amendment.

2. The following is an examiner's statement of reasons for allowance:

With respect to Claims 1, 10, 11 and 28, the prior art fails to disclose and/or teach an apparatus that comprises in combination a loading bed, a plate like-member having hinged portion, a sealing member positioned at an end of hinged portion; wherein the loading bed is movable between a loading position and a second position, the plate-like member is movable from a plate-like member loading position to a second plate-like member position, and the sealing member cooperating with the loading bed to seal the wrap about the group of product when the plate-like member is positioned over the loading bed and the hinged portion is positioned at an end of the loading bed.

With respect to Claim 12, the prior art fails to disclose and/or teach an apparatus that comprises in combination a loading bed, a bag former mechanism having hinged portion, a sealing member positioned at an end of hinged portion; wherein the loading bed is movable between a loading position and a second position, the bag former mechanism is movable from a bag former mechanism loading position to a second bag former mechanism position, and the sealing member cooperating with the loading bed to seal the wrap about the group of product when the bag former mechanism is positioned over the loading bed and the hinged portion is positioned at an end of the loading bed.

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With respect to Claim 22, the prior art fails to disclose and/or teach an apparatus that comprises in combination a loading bed, a bag former mechanism having hinged portion, a sealing member positioned at a distal end of hinged portion; wherein the loading bed is movable between two positions, the bag former mechanism is movable with respect to the loading bed between a first position substantially over the loading bed and a second position offset from the loading bed, and the sealing member cooperating with the loading bed to seal the wrap about the group of product when the hinged portion is positioned at an end of the loading bed.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

4. The application is allowed, formal drawings are now required.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (571) 272-4462. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Louis K. Huynh
PRIMARY EXAMINER
Art Unit 3721

April 15, 2005